

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CHELAN

Timothy Borders, Thomas Canterbury, Tom
Huff, Margie Ferris, Paul Elvig, Edward
Monaghan, and Christopher Vance,
Washington residents and electors, and the
Rossi for Governor Campaign, a candidate
committee,

Petitioners,

vs.

King County and Dean Logan, its Director
of Records, et al.

Respondents.

No. 05-2-00027-3

DECLARATION OF
CAROLYN DIEPENBROCK

I, Carolyn Diepenbrock, declare as follows;

1. I am the Elections Manager of Snohomish County. I am over eighteen
years of age and competent to testify. I have personal knowledge of the facts stated
below.

2. As Elections Manager, I manage and administer the Snohomish County
Election Division and Voter Registration Division pursuant to Title 29A and applicable
chapters of the Washington Administrative Code. I have served as elections manager
since January 1, 2003.

1 3. I received the "Petitioners First Interrogatories and Requests for
2 Production" yesterday, January 11, 2005. I have reviewed these requests initially to
3 determine what will be required to prepare responses. I am aware that Petitioners
4 seek an order requiring responses by January 21, 2005. From my initial review, I
5 have determined that it will not be possible for me and my staff to prepare responses
6 to some of the discovery requests by January 21, 2005. Below, I have detailed the
7 tasks required to respond to these requests. This explains why additional time will be
8 needed.

9 4. Interrogatory No. 3(b) requests the number of voters who had inactive
10 registrations at the time of the November 2004 general election. Inactive voters are
11 removed from that status in the Snohomish County voter registration database upon
12 receiving credit for voting. Voters in an inactive status who request an absentee ballot
13 prior to an election are immediately removed from inactive status and are sent an
14 absentee ballot. Voters in an inactive status are permitted vote at the polls (and not
15 via provisional ballot) because their names appear in the poll books. Upon being
16 given credit for voting at the polls (which occurs after the date of the election), the
17 voter's inactive status designation is removed from the voter registration database and
18 the voter is placed in an active status. Snohomish County is currently unable to run a
19 computer report to accurately determine those voters in an inactive status on
20 November 2, 2004. To determine this information, a file organized by name of all
21 active, cancelled and inactive voters would have to be created and then each
22 registered voter's file would have to be accessed individually to determine their status
23 on November 2, 2004. The Snohomish County voter registration database currently
24 contains 360,348 active voters, 58,710 inactive voters and 33,954 cancelled voters.

1 Performing the necessary file creation and individual voter registration research will
2 require more than 45 days for completion by available election staff.

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4 5. Interrogatory No. 3(c) requests the number of federal write-in ballots that
5 were cast by voters not previously registered. When Snohomish County receives a
6 federal write-in ballot from an individual not previously registered in Snohomish
7 County, the individual's name is entered on the voter registration database and their
8 ballot is counted. The envelopes that the ballots arrived in and the ballots themselves
9 are not kept separate from all other absentee ballots. To obtain the number of these
10 ballots, the federal write-in envelopes will have to be located from amongst all other
11 absentee envelopes (approximately 200,960) and then the individual voter registration
12 records will have to be researched to determine the actual date of registration to
13 determine if the voter was a registered voter prior to receiving their ballot or was
14 added to the voter registration database upon receipt of their federal write-in ballot. It
15 will not be possible for the staff of the Auditor's Office to perform these tasks prior to
16 January 21, 2005.

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18 6. Interrogatory No. 4 requests a list of precincts in which more voters
19 received credit for voting than the number of ballots counted from those precincts.
20 Snohomish County does not have this data available in a computer report format nor
21 can it electronically create a report with available data. To produce this list, elections
22 staff must run an individual computer report for each precinct and its portions
23 (approximately 1000 reports), which would identify the number of voters in a precinct
24 portion who received credit for voting, tabulate the numbers in the precinct portions for
25 a precinct total and then manually compare those numbers to the canvas for the

1 November 2, 2004 election. This is a labor intensive, manual project that will take
2 more time to perform than is available prior to January 21, 2005.

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4 7. In Request for Production No. 9, Petitioners seek access to all original
5 ballots that were enhanced or duplicated. In Snohomish County, a log is kept of every
6 ballot that is enhanced. The log tracks the ballot style and precinct, the team identifier
7 of the election worker team that enhanced the ballot, the date of enhancement and a
8 control number. After the enhancement, the original (enhanced) absentee ballot is
9 filed with the other absentee ballots from that precinct. At this time original enhanced
10 ballots are interfiled with all other absentee ballots (approximately 200,960). All
11 absentee ballots would have to be searched by hand to find the enhanced ballots.
12 Once again, this task cannot be performed by available staff prior to January 21, 2005

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Carolyn Diepenbrock